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CRAIG HOLLOWAY
115 FIFTH STREET
GLENWOOD SPRINGS, CO 81601

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JUN 04 2007

OFFICE OF PETITIONS

In re Application of :
Craig Holloway :
Application No. 10/643,373 : DECISION ON PETITION
Filed: August 20, 2003 :
For: SYNCHRONOUSLY/- :
SYNERGETICALLY TIMED FUSE :
PROCEDURE OR PROCESS :

This is a decision on the petition, filed February 12, 2007 (and supplemented on May 9 and June 1, 2007), which is being treated as a renewed petition under 37 CFR 1.137(b) requesting reconsideration of the decision mailed January 12, 2007.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed September 8, 2005, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on October 9, 2005. A Notice of Abandonment was mailed on March 24, 2006.

The record discloses that a petition to revive was filed on August 21, 2006, which failed to clearly state the nature of the reply to continue prosecution of this application. It is noted that the petition makes reference to a divisional application, and, from the comments presented, applicant appears to be confused as to the correct way to proceed in the prosecution of this application. Applicant, in the renewed petition of February 12, 2007 states that revival solely for the purpose of continuity is not what he intended.

As applicant has now clearly stated that he wishes to proceed with prosecution of this application by way of an election in response to the Restriction Requirement of September 8, 2005, the decision mailed on January 12, 2007 granting the petition to

revive solely for the purpose of continuity with the continuing application is hereby vacated.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$750, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Office action of September 8, 2005 is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218. Inquiries concerning the status or examination procedures of this application should be directed to Examiner John Eldred in Technology Center AU 3641 at 571-272-6901.

This application is being referred to Technology Center AU 3641 for appropriate action in the normal course of business on the signed reply (election) received June 1, 2007.


Frances Hicks
Petitions Examiner
Office of Petitions